

SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

295905

DATE OF REPORT (DAY-MO-YEAR)

03APR04

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE
ATTENTION ☐ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM-INVESTIGATOR'S NAME		RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.	
Ignacio HERNANDEZ		Sgt	1308			010 District	
ADDRESS OF INCIDENT		DATE OF INCIDENT - TIME		BEAT OF INCIDENT		LOCATION CODE*	
33 W. Cermak		15FEB04 1830 hrs				17	
ACCUSED	NAME	RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.	
	1. HERNANDEZ AI	PO	15785			010 District	
	2. CUNNINGHAM, Aaron	PO	15522			010 District	
	SEX/RACE D.O.B.	DATE OF APPOINTMENT		DUTY STATUS (TIME OF INCIDENT)		PHYS. COND. CODE*	
	1. M/WH			<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		01	
	2. M/W			<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		01	
IF APPLICABLE- DATE ARRESTED/INDICTED		CHARGES		COURT BRANCH	DISPOSITION & DATE		
1.							
2.							
COMPLAINANT	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE**
					M/WH	57 36	01
VICTIMS	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE**
	Same as above	Same		Same	Same	Same	
WITNESS	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. S. COND. CODE**
		Same as above			F/WH	31 23	01

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS The complainant alleges that "officer Coneham with star #15522" and an "Officer Hernandez," both of the 010th District, detained and questioned him without justification, and searched his vehicle without justification. The complainant alleges that "Officer Hernandez" threatened to "put a gun" on him, as well as "get him," if he did not provide them with information regarding a

I.A.D. LOCATION CODES*

01 Food Sales/Restaurant	11 Public Transportation Veh./Facility
02 Tavern/Liquor Store	12 Park District Property
03 Other Business Establishment	13 Airport
04 Police Building	14 Public Property - Other
05 Lockup Facility	15 Other Private Premise
06 Police Maintenance Facility	16 Expressway / Interstate System
07 CPD Automotive Pound Facility	17 Public Way - Other
08 Other Police Property	18 Waterway, Incl. Park District
09 Police Communications System	19 Private Residence
10 Court Room	

I.A.D. PHYSICAL CONDITION CODES**

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured, Not Hospitalized
04 Injured, Not Hospitalized - Under Influence
05 Injured, Hospitalized
06 Injured, Hospitalized - Under Influence
07 Injured, Refused Medic a I Aid
08 Injured, Refused Medic a I Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

*** IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

SUMMARY

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

The R/INV was assigned the CR # 295905 for follow up investigation on 03 APR 04 (Att # 1). After several attempts to contact the complainant and witness through the phone R/INV sent them registered letters on 10 MAR 04 (Att # 2-6 and 8-12). On 18 MAR 04 complainant called the 010th District Police station to speak with R/INV. Complainant basically reiterated his complaint against listed officers for detaining, questioning and searching his vehicle without justification (Att. # 13). Complainant stated that [REDACTED] were eating in their vehicle in the vicinity of Cermak and Christiana when a squad car pulled up along side of him. Officers exited their squad car and approached him and asked for a drivers license. After failing to produce a drivers license he was handcuffed and placed in the rear seat of the squad car. [REDACTED] was also asked to step out and was subsequently placed in the rear of the squad car. Complainant states at this point Officer Hernandez threatened to put a "gun on him" and "get him" if he did not provide them with information about a [REDACTED]. Officers then let the complainant and [REDACTED] out of the vehicle without issuing him any traffic citations. On 26 MAR 04 R/INV had a telephonic interview with the witness /complainant's [REDACTED] who just repeated the same allegations against the officers (Att # 14).

R/INV obtained the Third Watch Attendance and Assignment Log for 15 FEB 04 which revealed P.O. Aaron Cunningham #15522 and P.O. Al Hernandez #15785 were working Beat 1034. (Att # 15). R/INV received To From Subject reports from Officers Hernandez and Cunningham after first tendering the Officers their Administrative rights in which the Officers stated that they had a citizen encounter with the complainant and that it was voluntary at all times . Furthermore, P.O. Hernandez stated that he never threaten the complainant nor handcuffed him at any time during the citizen encounter (Att. #16-23).

Based on the information gathered during this investigation and the interviews/statements by the complainant, witness and the accused officers, R/INV could not discover any evidence or independent witness to either support or refute the allegations. The finding is listed below.

ATTACH-
MENTS,

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS:	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS:	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS-	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
01,13,14	19,23	15	23

FINDINGS - RECOMMENDATIONS

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.

Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDING: In regards to the allegation that P.O. Cunningham #15522 detained, questioned and searched the complainant's vehicle without justification R/INV is making a finding of NOT SUSTAINED.

In regards to allegation #1 against P.O. Hernandez #15785 that he detained, questioned and searched the complainant's vehicle without justification R/INV is making a finding of NOT SUSTAINED.

As to allegation #2 against P.O. Hernandez #15785 that he threaten the complainant by stating he was going to "put a gun" on him as well as get him, R/INV is making a finding of NOT SUSTAINED.

RECOMMENDATION: None, R/INV recommends this investigation to be closed with no disciplinary action warranted.

13 2004

DATE INITIATED (DATE COMPLAINT WAS RECEIVED FOR INVESTIGATION)	03MAR04	DATE COMPLETED (DATE OF THIS REPORT)	04APR04	ELAPSED TIME (TOTAL TIME, EXPRESSED IN DAYS)	30
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Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

IF NECESSARY, USE AN 8 1/2 X 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

LIST OF ATTACHMENTS
CR# 295905

ATTACHMENT #1	COMPLAINT AGAINST DEPARTMENT MEMBER
ATTACHMENT #2	LETTER TO THE COMPLAINANT
ATTACHMENT #3	CERTIFIED MAIL RECEIPT
ATTACHMENT #4	DOMESTIC RETURN RECEIPT
ATTACHMENT #5	LETTER ADDRESSED TO THE COMPLAINANT
ATTACHMENT #6	RECEIPT OF MAIL SENT
ATTACHMENT #7	DOMESTIC RETURN RECEIPT SIGNED
ATTACHMENT #8	LETTER TO THE WITNESS
ATTACHMENT #9	CERTIFIED MAIL RECEIPT
ATTACHMENT #10	DOMESTIC RETURN RECEIPT
ATTACHMENT #11	LETTER ADDRESSED TO THE WITNESS
ATTACHMENT #12	RECEIPT OF MAIL SENT
ATTACHMENT #13	COMPLAINANT'S INTERVIEW STATEMENT
ATTACHMENT #14	WITNESS INTERVIEW STATEMENT
ATTACHMENT #15	ATTENDANCE & ASSIGNMENT LOG 15FEB04
ATTACHMENT #16	NOTIFICATION OF CHARGES/ALLEGATIONS P.O. AL HERNANDEZ #15785
ATTACHMENT #17	ADMINISTRATIVE PROCEEDING RIGHTS P.O. AL HERNANDEZ #15785
ATTACHMENT #18	WAIVER OF COUNSEL/REQUEST TO SECURE P.O. AL HERNANDEZ #15785
ATTACHMENT #19	TO-FROM SUBJECT REPORT FROM ACCUSED P.O. AL HERNANDEZ #15785

LIST OF ATTACHMENTS
CR# 295905

ATTACHMENT #20	NOTIFICATION OF CHARGES/ALLEGATIONS P.O. AARON CUNNINGHAM #15522
ATTACHMENT #21	ADMINISTRATIVE PROCEEDING RIGHTS P.O. AARON CUNNINGHAM #15522
ATTACHMENT #22	WAIVER OF COUNSEL/REQUEST TO SECURE P.O. AARON CUNNINGHAM #15522
ATTACHMENT #23	TO-FROM SUBJECT REPORT FROM ACCUSED P.O. AARON CUNNINGHAM #15522